



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MARCH 5 and 6, 2013**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on March 5 and 6, 2013.

TUESDAY, MARCH 5, 2013—9:00 A.M.

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| (1) | S191944 | County of Los Angeles v. Los Angeles Co. Employee Relations Comm. (Service Employees International Union, Local 721, Real Party in Interest) |
| (2) | S202037 | McWilliams (John W.) v. City of Long Beach |
| (3) | S092356 | In re Boyette (Maurice) on Habeas Corpus |

1:30 P.M.

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| (4) | S192644 | People v. Beltran (Tare Nicholas) |
| (5) | S200612 | People v. Nuckles (Jane) |

WEDNESDAY, MARCH 6, 2013—10:00 A.M.

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| (6) | S193938 | People v. Park (Aaron Sung-Uk) |
| (7) | S196365 | People v. Bryant (Amalia Catherine) |

CANTIL-SAKAUYE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, MARCH 5, 2013—9:00 A.M.

(1) *County of Los Angeles v. Los Angeles Co. Employee Relations Comm. (Service Employees International Union, Local 721, Real Party in Interest), S191944*

#11-67 County of Los Angeles v. Los Angeles Co. Employee Relations Comm. (Service Employees International Union, Local 721, Real Party in Interest), S191944. (B217668; 192 Cal.App.4th 1409; Superior Court of Los Angeles County; BS116993.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issues: (1) Under the state Constitution (Cal. Const., art. I, § 1), do the interests of non-union-member public employees in the privacy of their personal contact information outweigh the interests of the union representing their bargaining unit in obtaining that information in furtherance of its duties as a matter of labor law to provide fair and equal representation of union-member and non-union-member employees within the bargaining unit? (2) Did the Court of Appeal err in remanding to the trial court with directions to apply a specific notice procedure to protect such employees' privacy rights instead of permitting the parties to determine the proper procedure for doing so?

(2) *McWilliams (John W.) v. City of Long Beach, S202037*

#12-80 McWilliams (John W.) v. City of Long Beach, S202037. (B200831; nonpublished opinion; Superior Court of Los Angeles County; BC361469.) Petition for

review after the Court of Appeal reversed in part and affirmed in part the judgment in a civil action. This case presents the following issue: Can a local ordinance preclude the filing of a class claim for a tax refund, or are the provisions of the Government Claims Act excepting from its reach claims brought under a “statute prescribing procedures for the refund . . . of any tax” (Gov. Code, § 905, subd. (a)) inapplicable to local ordinances?

(3) *In re Boyette (Maurice) on Habeas Corpus, S092356*

#06-123 *In re Boyette (Maurice) on Habeas Corpus, S092356*. Original proceeding. In this case, which is related to the automatic appeal in *People v. Boyette* (2002) 29 Cal.4th 381, the court issued an order to show cause limited to claims of juror misconduct.

1:30 P.M.

(4) *People v. Beltran (Tare Nicholas), S192644*

#11-66 *People v. Beltran (Tare Nicholas), S192644*. (A124392; nonpublished opinion; Superior Court of San Francisco County; 175503.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issues: (1) Was the jury misinstructed with former CALCRIM No. 570 on provocation and heat of passion as a basis for a conviction of voluntary manslaughter? (2) Did the prosecutor misstate the applicable law on the subject in argument? (3) Did the trial court accurately respond to a jury question on the subject? (4) If there was error, was defendant prejudiced?

(5) *People v. Nuckles (Jane), S200612*

#12-42 *People v. Nuckles (Jane), S200612*. (F061562; nonpublished opinion; Superior Court of Kings County; 09CM3022.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Was defendant properly convicted of being an accessory to a felony for assisting another person to abscond from his parole term after serving his sentence for that felony?

WEDNESDAY, MARCH 6, 2013—10:00 A.M.

(6) *People v. Park (Aaron Sung-Uk), S193938*

#11-99 *People v. Park (Aaron Sung-Uk), S193938*. (D056619; nonpublished opinion; Superior Court of San Diego County; SCD210936.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Should the enhancement imposed on defendant under Penal Code section 667, subdivision (a), be stricken because his prior conviction for a serious felony was reduced to a misdemeanor under Penal Code section 17, subdivision (b), and dismissed under Penal Code section 1203.4?

(7) *People v. Bryant (Amalia Catherine), S196365*

#11-128 *People v. Bryant (Amalia Catherine), S196365*. (D057570; 198 Cal.App.4th 134; Superior Court of Riverside County; SWF014495.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issue: May voluntary manslaughter be premised on a killing without malice that occurs during commission of an inherently dangerous assaultive felony?

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